

Applicant submits herewith Declaration under 37 CFR 1.132 establishing that the subject matter of the Stumer '819 patent was Applicant's own invention.

The Declaration establishes that the Peggy M. Stumer, inventor on the Stumer '819 patent, is also the sole inventor of the subject matter of the present application. Since Section 102(e) requires that a reference be the invention of another, Applicant respectfully submits that the basis for the rejection is obviated.

The Declaration further establishes that the PCT counterpart to the Stumer '819 patent was published on August 28, 1997, less than one year prior to the filing of the present application. Thus, the provisions of Section 102(b) also do not apply.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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